

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

KIMBERLY PATE,

Plaintiff,

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

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CASE NO.: 1:20CV1778

JUDGE JOHN ADAMS

**MEMORANDUM OF OPINION AND
ORDER**

This matter comes before the Court on objections filed by Plaintiff Kimberly Pate to the Report and Recommendation (“R&R”) of the Magistrate Judge. On January 10, 2022, the Magistrate Judge issued his R&R in this matter recommending that the Court affirm the decision of the Commissioner. On January 21, 2022, Pate objected to the R&R. On January 25, 2022, the Commissioner responded to the objections. The Court now resolves the objections.

District courts conduct *de novo* review of those portions of a magistrate judge’s R&R to which specific objections are made. 28 U.S.C. § 636(b)(1). However, in social security cases, judicial review of a decision by the Commissioner is limited to determining whether the decision is supported by substantial evidence based upon the record as a whole. *Longworth v. Comm’r of Soc. Sec.*, 402 F.3d 591, 595 (6th Cir. 2005). The substantial evidence standard is met if “a reasonable mind might accept the relevant evidence as adequate to support a conclusion.” *Warner v. Comm’r of Soc. Sec.*, 375 F.3d 387, 390 (6th Cir. 2004). If substantial evidence supports the Commissioner’s decision, this Court will defer to that finding “even if there is substantial evidence

in the record that would have supported an opposite conclusion.” *Id.*

Pate’s sole objection focuses upon the R&R’s conclusion that any error in determining that she was capable of performing past relevant work should not have been deemed harmless. In that regard, Pate does not contend that the R&R erred when it went to evaluate Step Five and determine that the ALJ’s decision was supported by substantial evidence. Instead, Pate raises concerns over the purported *res judicata* effect of failing to remand the issue surrounding her past relevant work. Pate contends that a future application could be denied premised upon this filing. Pate’s concerns – albeit hypothetical ones – are unfounded. The R&R fully analyzes and *finds error* in the ALJ’s analysis regarding Pate’s past relevant work. It defies logic to suggest that a future decision will ignore the R&R and engage in the same error. Accordingly, the Court finds no merit in Pate’s objection.

For the reasons stated above, the Pate’s objection is OVERRULED. The R&R is ADOPTED IN WHOLE. The decision of the Commissioner is hereby AFFIRMED.

IT IS SO ORDERED.

Dated: March 3, 2022

/s/ John R. Adams
JUDGE JOHN R. ADAMS
UNITED STATES DISTRICT JUDGE